



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Burl Brittain
County Auditor
San Patricio County
Sinton, Texas

Dear Sir:

Opinion No. O-4483

Re: May the county legally pay
the expenses of a county
official or an individual
which were incurred in at-
tending F. B. I. civilian
defense schools and civilian
defense meetings?

Your letter of March 3, 1942, requesting the opin-
ion of this department on the above stated question reads
in part as follows:

"Will you please advise me by opinion
on the following question:

"By what authority can the County al-
low and pay expenses of the County Judge, or
any other official or citizen, as County
Coordinator of Civilian Defense, such ex-
penses being incurred as traveling expenses
attending F. B. I. Civilian Defense Schools
and attending Civilian Defense meetings in
and out of the County?"

We have carefully considered the question present-
ed in your inquiry and fail to find any statute or other au-
thority authorizing the payment of the above mentioned ex-
penses by the county out of any county fund or funds.

It is well established in this State that the Com-
missioners' Court has only such authority as is expressly

Honorable Burl Brittain, Page 2

conferred or necessarily implied upon it by the statutes and Constitution of this State.

An officer may not claim or reach any money without a law authorizing him to do so, and clearly affixing the amount to which he is entitled. (Tex. Jur., Vol. 34, p. 511; Duclos v. Harris County, 298 S. W. 417; Binford v. Robinson, 244 S. W. 807)

The Constitution fixes the compensation of certain officers, and authorizes the Legislature to provide by law for the compensation of all other officers, servants, agents and public contractors. Pursuant to the authority thus conferred numerous statutes have been passed fixing the compensation of various classes of officers. However, as above stated, we fail to find any authority authorizing the payment of the above mentioned expenses out of county funds.

Therefore, we respectfully answer the above stated question in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAR 16 1942
Green Sullivan
SULLIVAN
CLERK

By *Ardell Williams*
Ardell Williams
Assistant

AW:GO

APPROVED
OPINION
COMMITTEE
BY *BWB*
CHAIRMAN